



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,779	02/04/2002	Thomas Odorfer	298-141	9337

28249 7590 12/26/2007
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE, NY 11553

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
----------	--------------

2614

MAIL DATE	DELIVERY MODE
-----------	---------------

12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/936,779

Applicant(s)

ODORFER ET AL.

Examiner

Lisa Hashem

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4-30-2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 61 and 62 is/are allowed.
- 6) ☒ Claim(s) 28-60 is/are rejected.
- 7) ☒ Claim(s) 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopening of Prosecution

1. In view of the Appeal Brief filed on 4-30-2007, PROSECUTION IS HEREBY REOPENED because Applicant's arguments are persuasive. A new action is set forth below.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:
 - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
 - (2) request reinstatement of the appeal.
3. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Objections

4. Claim 29 is objected to because of the following informalities: Claim 29 recites the limitations "the first subscriber area" and "the second subscriber area". There is insufficient antecedent basis for these limitations in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2614

6. Claims 28, 30-33, 35-40, 43, 46, and 52-60 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,802,468 by Gallant et al, hereinafter Gallant.

Regarding claim 28, Gallant discloses a communication system (Fig. 1) for a mobile radio telephone system having at least one network unit (Fig. 1: 11, BSC; Fig. 1: 22, MSC; a common database) which serves a predetermined overall area (Fig. 1, 10) (col. 2, lines 40-58; col. 6, lines 16-35), comprising at least one subscriber area (i.e. home calling area; Fig. 1, 23; col. 7, lines 14-21; col. 8, lines 16-19) within this overall area stipulated and having allocated at least one subscriber number (col. 7, lines 32-67; col. 8, lines 16-19 and lines 51-55), at least one radio cell (Fig. 1, 17-21) is arranged in the overall area to transmit a signal (via a BTS; Fig. 1, 12-16) containing coordinates (i.e. latitude and longitude coordinates) to a mobile user unit within the system (col. 10, lines 10-33), and means for calculating whether the coordinates transmitted by the radio cell responsible for transmission lie within (i.e. overlap) the subscriber area (i.e. determining if the mobile unit is still in the home calling area or the mobile unit moved outside the home calling area to a local calling area based on the calculation) (col. 3, lines 7-33; col. 8, lines 14-44; col. 10, lines 10-33).

Regarding claim 30, the communication system according to claim 28, wherein Gallant discloses individual subscriber areas can overlap several selected subscriber areas (col. 8, lines 45-55).

Regarding claim 32, the communication system according to claim 28, wherein

Art Unit: 2614

Gallant discloses comprising a plurality of subscriber areas (Fig. 1, 17-21, 23, 24), wherein the subscriber areas is written into a subscriber code module (SIM) (col. 6, line 66 – col. 7, line 13; col. 8, line 14 – col. 9, line 3).

Regarding claim 33, the communication system according to a claim 28, wherein Gallant discloses the subscriber area encompasses several radio cells and/or serves several user units (col. 8, lines 14-55).

Regarding claim 35, the communication system according to claim 34, wherein Gallant discloses at least one storage area (cache) (Fig. 2) containing the subscriber area on a subscriber identity module (col. 7, lines 32-37; col. 8, lines 56-66).

Regarding claim 36, the communication system according to claim 28, wherein Gallant discloses the subscriber area is stipulated by a location and local radius (col. 10, lines 10-33).

Regarding claim 37, the communication system according to claim 28, wherein Gallant discloses the local radius is determined by scanning several radio cells situated around the location and the local radius is measured as a function of reception strength (col. 10, lines 10-54).

Regarding claim 38, the communication system according to claim 28, wherein Gallant discloses a fixed station or several fixed stations is/are additionally provided within the subscriber area (col. 6, lines 16-35; Fig. 1, 12-16).

Regarding claim 39, the communication system according to claim 38, wherein Gallant discloses a location coincides with the position of the fixed station (col. 6, line 66 – col. 7, line 13; col. 10, lines 10-33).

Art Unit: 2614

Regarding claim 40, the communication system according to claim 38, wherein Gallant discloses a display is provided in a user unit to indicate whether the user unit is located within the subscriber area (col. 10, lines 1-9 and lines 31-33).

Regarding claim 43, Gallant discloses a method for operating a communication system (Fig. 1) for a mobile radio telephone system (Fig. 1, 10) (col. 6, lines 16-35), which comprises the following steps:

providing a network unit (Fig. 1: 11, BSC; Fig. 1: 22, MSC; a common database) with an overall area (col. 2, lines 40-58; col. 6, lines 16-35);

stipulating at least one subscriber area (i.e. home calling area; Fig. 1, 23; col. 7, lines 14-21; col. 8, lines 16-19) within its overall area, and

allocating at least one subscriber number in the subscriber area (col. 7, lines 32-67; col. 8, lines 16-19 and lines 51-55),

wherein the overall area incorporates at least one radio cell (Fig. 1, 17-21) that transmits a signal (via a BTS; Fig. 1, 12-16) containing coordinates (i.e. latitude and longitude coordinates) to a mobile user unit within the system (col. 10, lines 10-33), and

a calculation is performed to determine whether the transmitted coordinates for the radio cell lie within (i.e. overlap) the stipulated subscriber area (i.e. determining if the mobile unit is still in the home calling area or the mobile unit moved outside the home calling area to a local calling area based on the calculation) (col. 3, lines 7-33; col. 8, lines 14-44; col. 10, lines 10-33).

Regarding claim 44, the method according to claim 43, wherein Gallant discloses the subscriber area is stipulated by the network unit (col. 2, lines 40-58; col. 3, lines 14-33; col. 7, lines 32-66).

Art Unit: 2614

Regarding claim 46, the method according to claim 43, wherein Gallant discloses the subscriber area is stipulated by a user unit (col. 7, line 32 – col. 8, line 55; col. 10, lines 10-18).

Regarding claim 52, the method according to claim 43, wherein Gallant discloses incoming information is relayed if a user unit is located outside the subscriber area (col. 8, lines 32-44; col. 9, lines 4-26).

Regarding claim 53, the method according to claim 43, wherein Gallant discloses the subscriber areas can be stipulated repeatedly and/or with various radio cells (col. 10, lines 11-54).

Regarding claim 54, the method according to claim 43, wherein Gallant discloses two subscriber calls are allocated in a subscriber area (col. 8, lines 45-55).

Regarding claim 55, the communication system according to claim 28, wherein Gallant discloses said means additionally determine whether the radio cell forming part of a mobile telephone is located in a home zone (col. 6, line 66 – col. 7, line 13; col. 8, lines 14-55; col. 10, lines 10-33).

Regarding claim 56, the communication system according to claim 55, wherein Gallant discloses said radio cell transmits the signal containing the coordinates which provide information on the current location of the radio cell (col. 10, lines 10-33).

Regarding claim 57, the communication system according to claim 28, wherein Gallant discloses said radio cell transmits the signal containing the coordinates which provide information on the current location of the radio cell (col. 10, lines 10-33).

Art Unit: 2614

Regarding claim 58, the method according to claim 43, wherein Gallant discloses the additional step of determining whether the radio cell forming part of a mobile telephone is located in a home zone (col. 3, lines 7-33; col. 8, lines 14-44; col. 10, lines 10-33)).

Regarding claim 59, the method according to claim 58, wherein Gallant discloses said radio cell transmits the signal containing the coordinates which provide information on the current location of the radio cell (col. 10, lines 10-33).

Regarding claim 60, the method according to claim 43, wherein Gallant discloses said radio cell transmits the signal containing the coordinates which provide information on the current location of the radio cell (col. 10, lines 10-33)).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 29, 31, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant, as applied to claim 28, in further view of U.S. Pat. No. 5,568,153 by Beliveau.

Regarding claim 29, the communication system according to claim 28, wherein Gallant discloses subscriber areas are provided (col. 6, lines 36-48), with the first subscriber area preferably being allocated to a home location of a user (col. 7, lines 14-66).

Gallant does not disclose four subscriber areas are provided and a business location of a user.

Beliveau discloses a communication system for a mobile radio telephone system having

Art Unit: 2614

at least one network unit or MSC which serves a predetermined overall area, wherein at least one subscriber area (i.e. a home area) within this overall area is stipulated and has allocated at least one subscriber number (see Abstract; Fig. 1; see Fig. 2; col. 4, lines 49-61; col. 5, lines 15-35).

Beliveau further discloses four subscriber areas are provided (see Fig. 1), with the first subscriber area preferably being allocated to a home location of a user, and the second subscriber area preferably being allocated to a business location of the user (col. 1, lines 30-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the communication system of Gallant to include four subscriber areas are and a business location of a user provided as taught by Beliveau. One of ordinary skill in the art would have been lead to make such a modification to include four subscriber areas stipulated within the overall area that a subscriber can utilize for making calls and be charged accordingly and a business location where a subscriber's user unit is located during business hours outside of the home area.

Regarding claim 31, the communication system according to claim 28, wherein Gallant discloses the subscriber areas have varying application priorities (col. 8, lines 32-44).

Regarding claim 41, the communication system according to claim 28, wherein Gallant does not disclose a global system for mobile communications (GSM) is used.

Beliveau discloses a communication system for a mobile radio telephone system having at least one network unit or MSC which serves a predetermined overall area, wherein at least one subscriber area (i.e. a home area) within this overall area is stipulated and has allocated at least one subscriber number (see Abstract; Fig. 1; see Fig. 2; col. 4, lines 49-61; col. 5, lines 15-35).

Art Unit: 2614

Beliveau further discloses a global system for mobile communications (GSM) is used (col. 6, lines 59-61).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the communication system of Gallant to include a global system for mobile communications (GSM) as taught by Beliveau. One of ordinary skill in the art would have been lead to make such a modification to provide a communications system that is suitable to use with a GSM system.

Regarding claim 42, the communication system according to claim 41, wherein Gallant discloses a second code, the second code signals whether a stipulation has already taken place relative to the subscriber area (col. 10, lines 1-9 and lines 31-33).

Gallant does not disclose a first code.

Beliveau discloses a communication system for a mobile radio telephone system having at least one network unit or MSC which serves a predetermined overall area, wherein at least one subscriber area (i.e. a home area) within this overall area is stipulated and has allocated at least one subscriber number (see Abstract; Fig. 1; see Fig. 2; col. 4, lines 49-61; col. 5, lines 15-35).

Beliveau further discloses a first and a second code are provided, whereby the first code signals whether the user unit is authorized for the subscriber area (Fig. 4, 34) and a second code signals whether a stipulation has already taken place relative to the subscriber area (Fig. 4, 35; col. 6, lines 29-58).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the communication system of Gallant to include a first code as taught by Beliveau. One of ordinary skill in the art would have been lead to make such a modification to

Art Unit: 2614

authorize a user in a subscriber area via a first code to be allowed to make calls in the subscriber area.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant, as applied to claim 28, in view of U.S. Pat. No. 6,233,448 by Alperovich, hereinafter Alperovich.

Regarding claim 34, the communication system according to claim 28, wherein Gallant discloses a second subscriber number constitutes a geographic number (col. 7, lines 32-66).

Gallant does not disclose a first subscriber number constitutes a mobile subscriber number.

Alperovich discloses a communication system (Fig. 1, Fig. 3) for a mobile radio telephone system (Fig. 3, 30) having at least one network unit (Fig. 3, 38) which serves a predetermined overall area, comprising at least one subscriber area (i.e. home) within this overall area stipulated and having allocated at least one subscriber number (col. 3, lines 8-18), at least one radio cell is arranged in the overall area and transmits a signal containing coordinates, and means for calculating whether the coordinates transmitted by the radio cell responsible for transmission lie within the subscriber area (col. 3, lines 29-64).

Alperovich further discloses a first subscriber number constitutes a mobile subscriber number and a second subscriber number constitutes a geographic number, i.e. the telephone number is used for a subscriber's house (col. 3, lines 8-28; col. 5, lines 38-41).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the communication system of Gallant to include a first subscriber number

Art Unit: 2614

constitutes a mobile subscriber number as taught by Alperovich. One of ordinary skill in the art would have been lead to make such a modification to provide an address to contact the subscriber of a user unit in making phone calls and identify the subscriber of the user unit in receiving phone calls from the user.

10. Claims 45, and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant, as applied to claim 44, in view of Beliveau.

Regarding claim 45, the method according to claim 44, wherein Gallant discloses the subscriber area is stipulated by

a) specifying a location; b) measuring coordinates using a graphic information system (GIS) with a database containing locations and considering that the coordinates contain several radio cells; c) inherently storing the location and coordinates in a network unit file (i.e. data is stored in common database); and d) transmitting the location and coordinates to a subscriber detection module as a user unit (col. 2, lines 40-58; col. 3, lines 14-33; col. 7, lines 32-66).

Gallant does not disclose measuring and transmitting a local radius by the network unit.

Beliveau discloses a communication system for a mobile radio telephone system having at least one network unit or MSC which serves a predetermined overall area, wherein at least one subscriber area (i.e. a home area) within this overall area is stipulated and has allocated at least one subscriber number (see Abstract; Fig. 1; see Fig. 2; col. 4, lines 49-61; col. 5, lines 15-35).

Beliveau further discloses the subscriber area is stipulated by a) specifying a location (col. 5, lines 15-35); b) measuring local radius using a graphic information system (GIS) with a database containing locations and considering that the local radius contains several radio cells (col. 4, lines 1-11; col. 5, lines 23-45; col. 6, lines 39-43); c) inherently storing the location and

Art Unit: 2614

local radius in a network unit file (col. 1, line 40 – col. 2, line 3); and d) transmitting the location and local radius to a subscriber detection module of a user unit or mobile phone (col. 4, lines 49-61; col. 6, lines 59-61).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the communication system of Gallant to include measuring and transmitting a local radius by the network unit as taught by Beliveau. One of ordinary skill in the art would have been lead to make such a modification to further define the subscriber area using a local radius calculated by a GIS with a database.

Regarding claim 48, the method according to claim 45, wherein Beliveau discloses square of the local radius is inherently transmitted to a subscriber code module (SIM) in order to calculate the location point; wherein several methods of locating mobile stations in a cellular network are known and may be utilized with the personal home areas and the MSC collects the cell information (position, antenna type, and radius) to determine if the subscriber's call is set up in the Home area (col. 4, lines 1-11; col. 5, line 23-col. 6, line 43).

Regarding claim 49, the method according to claim 45, wherein Gallant discloses a display indicates whether the user unit is located in the subscriber area (col. 10, lines 1-9 and lines 31-33).

Regarding claim 50, the method according to claim 49, wherein Gallant discloses a check is performed to determine whether a new radio cell lies within a prescribed subscriber area (col. 10, lines 34-54).

Regarding claim 51, the method according to claim 50, wherein Gallant discloses a display indicates which subscriber area is activated (col. 10, lines 1-9 and lines 31-33).

Art Unit: 2614

Allowable Subject Matter

11. Claim 47 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Examiner suggests including the limitation of claim 47 in claim 43.

12. Claims 61 and 62 are allowed based on the amendments entered in the After Final Amendment filed on 9-18-2006.

13. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art teaches '...calculating and determining whether absolute difference between the coordinates transmitted by the radio cell and said at least one subscriber area exceed a predetermined value, and if the predetermined value is not exceeded, calculating and determining whether square of said difference exceeds square of said radius...'.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form:

15. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Art Unit: 2614

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

December 13, 2007

FAN TSANG
SUPERVISOR/PATENT EXAMINER
TECHNOLOGY CENTER 2600